

England. [Laws etc 1791 - 1792]
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SOME
CONSIDERATIONS
ON A
LAW
FOR

Triennial Parliaments.

With an Enquiry,

- I. Whether there may not be a Time when it is necessary to suspend the Execution, even of such Laws as are most Essential to the Liberties of the People?
- II. Whether this is such a Time or no?

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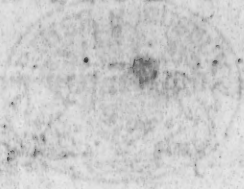
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SOME
CONSIDERATIONS
ON A
LAW
FOR
Triennial Parliaments.

LA W is the most valuable Privilege of the People: 'Tis the Limit of the Sovereign Authority, and the Rule of the People's Obedience: 'Tis not only their Security from the Tyranny of their Princes, but 'tis the Pledge of their mutual Peace; it preserves Order, supports all Kinds of Subordination, cherishes Vertue, promotes and encourages Arts, Industry, Learning, and all the necessary Parts of humane Improvement: 'Tis the Guard of Honour, the Sanctuary of Innocence, and the last Refuge of every honest Man.

As this is to be said of the Law in every well Government ; so there is something to be added with Respect to the People of these Nations, that is not to be said of most, if it be of any Nation in the World, *Great-Britain* excepted, *viz.* *That no Laws can be made, or when made, can be suspended and repealed, but by the Consent of the People.*

THIS Solemn Word LAW, is express'd in different Terms, and bears a different Signification, according to the Nature of the Thing it has respect to. But that I may not enter into a long Debate about the Branch of the Law I am now to speak of, I lay it down thus beforehand, *viz.* *That I am speaking now of Laws respecting Civil Policy, and the Government of a Nation.* These with us are call'd the Constitution, and contain the Prerogatives of the Crown, and the Peoples Liberties.

As it is just we should, so in this Nation we are the most chary of these of any Nation in the World ; and we have carry'd Things very High, even to War and Death, Revolution of Government, and Dethroning our Kings, when the Laws by which they ought to govern, have been invaded, or the Execution of them dispens'd with by the Legal Authority.

By the same Rule, we ought to be very chary on our own Side : And tho' the Right to suspend the Laws of every Kind is undoubtedly lodg'd in the People, that is to say, in Parliament ; and they may,

may, upon extraordinary Occasions, consent to it; yet it is but upon very great and extraordinary Occasions, and oftentimes not without Difficulty, that the People are brought to consent to it, and always with lawful Restrictions, and for as little Time as possible.

ALL these Things I thought it was necessary to lay down, as an Introduction to the following Discourse; because I am next to advance a Maxim in our Constitution, *viz. That there is not only a Right lodg'd in the Constitution, for the suspending the Execution of the Laws; but that there may be a Time when it is absolutely necessary to do so; and this must be understood even of these Laws which are the most essential to the Peoples Liberties, and the most fundamental Part of their Privileges, as well as of others less significant.*

To prove there may be such a Circumstance or Necessity, it is to the Purpose, *first*, to shew that there have been such in Time past; and, *secondly*, that there is such a One depending at this very Time.

WE need not run back into Antiquities: The *Militia Bill* is the first I bring upon the Stage; it is a very significant Article in the Law, made 13 Car. II. for settling the *Militia*, *That to prevent the harrassing the Country, and putting them to Extraordinary Charges for arming and marching the Train'd-Bands, or Country Troops, on Pretence of defending the Country, as often as a timor-*

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reus or a vexatious Prince may think fit, that Provision is made, that after the Militia has been once raised, and a Month's Pay Advanc'd to them by the Country, as that Law directs, the said Country shall not be oblig'd to raise the Militia again, let the Occasion be what it will, until the Month's Pay, formerly advanc'd be repaid them by the Crown.

It must be acknowledg'd, that this is a most valuable Privilege of the People of this Nation, and secures them against an infinite Number of Encroachments and Oppressions, which they might otherwise be subject to: Nay, it prevents the Destruction of all their other Liberties, which their King's having the absolute Disposal of the Militia might bring upon them, making the People cut the Throat of the Constitution with their own Hands, making the very Militia Standing-Army in the Time of Peace, and at the Country's Expence also, by putting in such Under-Officers as they please, and commanding them by such Lord Lieutenants as the King shall think fit for his Purpose, and as are never wanted for the Purpose be never so wicked; an eminent Instance of which is fresh in the Memory of many yet living, when the Train'd-Bands of the City of London, in the Time of Sir John Moor's being Lord Mayor, were made the Tools to offer Violence to the Privileges of the City, and to Garrison the Guild-Hall, to keep the

the Livery-Men, such only as they pleased to admit, from the Freedom of their Votes.

THESE Things shew the Value of this Law, for settling the Militia, and how essential it is to the Liberties of the People of *England*; and yet we find this Law suspended in its Execution from Year to Year, for almost the last 20 Years, by Acts of Parliament brought in every Session, Entituled thus; *An Act for raising the Militia for the Year notwithstanding the Month's Pay formerly advanc'd be not repaid, &c.* The Reasons and Necessity of thus suspending the Execution of the former Law are so evident, that I need say nothing, but refer the Reader to the long Continuance of an expensive War, which made the Repayment of the said Month's Pay a Burthen, and the Danger of Invasions from a powerful Enemy very imminent.

The Habeas Corpus Act is another Instance. The Value of this Law to the People of *England*, the Bulwark that it is to their Liberties, the Sense the People have always had of the Usefulness of it. These all speak for themselves; yet upon extraordinary Occasions, and that long before this last unhappy Occasion now subsisting, this Law has frequently been suspended for a Time, by the Consent, nay, at the very Motion and Desire of the People themselves, for whose Security, and for the Defence of whose Liberties that Law was made, the several Precedents are needless

needless to repeat ; but one is very singular, viz. *the Imprisoning Captain Counter, and the five other Gentlemen, commonly known by the Name of the Assassins, in Newgate, without Bail, and without Tryal, which has now been continued for near 20 Year, sometimes for a certain Time, sometimes without a Limitation, a thing without Example, during the Sovereign's Pleasure.* This, I say, is an eminent Instance of the suspending that Law ; a Law, which, as it was ever esteem'd one of the inestimable Brances of our Liberties, so it is a Law, which of all other Laws seems to be the most dangerous to give up into the Hands of the Sovereign ; the least Misuse of which Power opens a Door to the worst Kind of Oppressions.

THE Penal Laws are another Example of the Practice of suspending the Execution of Law by Parliament, the *Dissenters* being distinguish'd by the Act of Exemption, commonly call'd *The Toleration Act*, from the Penalty of those Laws, which yet are in themselves thought to be absolutely necessary to the Safety and Preservation of the Protestant Religion.

THE late Occasion of suspending *The Habeas Corpus Act Bill*, in order to empower the King to secure the Persons of Traytors, practising to raise a Rebellion in this Nation, is an Example too notorious to need any mention, or to be capable of any Answer. All these things make good
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what was at first laid down, viz. *That there has been a Time, when the Wisdom of the Parliament have thought it necessary, for the Good of the People themselves, to suspend, for some time, the Force, and dispence with the Execution, even of those Laws, which have been thought the most Essential to the preserving the Peoples Liberties.*

It remains, that I descend to the Case now in hand, and to enquire, whether a Bill, for the Triennial Calling of Parliaments in *England*, may not be subject to the same Circumstances.

Nor whether the Parliament have the same Power to suspend it, for that is out of the Question; but whether there may not be a Time, in which such a Law may not be found inconvenient and dangerous, and consequently that it ought to be consider'd of, whether the Execution of, or strict adhering to it, may not be thought necessary to be suspended for a Season, and whether it is proper at this very Time or no.

It is true, such an Enquiry at this Time may be thought very presumptuous in a private Person, and many will censure the Attempt, as done in Favour of a Party; but the same Arguments that prove the Necessity of the Thing, will certainly defend the Author from Censure, and his Zeal for the publick Good will at least plead for him, if he is supposed to go beyond the Modesty of a Subject. However, I shall

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endeavour to perform this critical Task with so much Circumspection, as to give no Handle to Enemies, and no Offence to Friends; and let those who dislike it, from their Disaffection to the Government, first answer it, and then I give them free Leave to accuse me to whom they please.

BEFORE I proceed, I shall grant what I presume any Objector would much dwell upon, viz. the Usefulness, Advantage, and Value of the Law for Triennial Parliaments, and let them spend as many Compliments and Panegyricks as they please upon the Law itself, the Zeal of those worthy Patriots that push'd it at first into a Law, if we may call it pushing, for it was strenuously oppos'd, and once refus'd by King WILLIAM and his best Friends; let them repeat all the Reasons given for pressing it at that Time, and the Reasons given in general why such a Law was always necessary to the People; let them enlarge upon the great Topick of Debauching Members by Places and private Engagements, &c. All which, together with the History of the Pension Parliament in the Reign of King Charles II. were largely insisted upon, and large Speeches made upon that Subject by some Members, who were called the Country Party at the Time this Bill was depending in the House: I say, let these, and all further that can be said in Behalf of this Law, be brought out, and I shall readily grant and assent to it all, and
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that Impeachment of the present Argument, which indeed not at all affected with those Things, and amounts to no more than this, *viz.* *That there may be a Time when, and the Publick Affairs may be so circumstanc'd, as that it may be necessary, even for the Good of the People themselves, to suspend the Execution of such a Law as this for a Season, and with such Restriction of Clauses, and for so long Time, as to the Wisdom of Parliament shall seem meet.*

THIS, and the Enquiry whether this is not the Time when such a Suspension is necessary, I shall speak of together, to avoid, as much as possible, multiplying Heads of Discourse.

It has formerly been said of this Law, for the Triennial Meeting of Parliaments, by a very great Statesman, that tho' it was an excellent Law, and had so many other good Things necessarily attending it, as made it well worth our while to bear with some Inconveniencies in the Practice of it: Yet, that there was one thing which would be so much the natural Consequence of it, and was in itself so mischievous to the Publick, that it would one time or other oblige the Parliament to think of Repealing it; *and this was*, That it was the only Thing that would render perpetual the Divisions among the People, and make Faction eternal. I'll explain immediately what they meant by this Saying: I shall only add, that if this Time the same

Law is in Danger of being a Means to make Rebellion so, the Argument will be still strong for what I have to say about it.

It has been found too true, that the Triennial Elections of Parliament have been a constant Means of keeping up the Factions and Divisions of Parties in the Countries and Corporations thro' the whole Kingdom ; nor was it less so by those who lost, than by those who gain'd in their Elections, which has been thus express'd formerly : *He that had lost his Election in a Country Town, made it his Business to form and increase his Interest, and make new Friends ; employing Agents all the while for that purpose, knowing that in 3 Years he should have a new Tryal of Skill for it. He that gain'd an Election, had nothing to do but to cultivate his Interest, keep up his Friends, preserve the good Oppinion the People had of him, and secure them to be firm in their Votes, knowing very well that he must have all the Work to do over again in 3 Years more, and that the other Candidate would slip no Opportunity, nor spare any Expence, to get away his Friends, and weaken his Interest.*

Thus, says that Author, the Factions were kept alive in the Country, and Party Feuds are handed down to Posterity, from Age to Age, in *Æternum*.

THE Government has been very sensible of this ; nor has it been possible to alter it, without loosing that Bill, which was always of so much
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Consequence to the Kingdom, that it was better to bear the Inconvenience of the other, than to strike at the Root of so essential a Pillar of the Peoples Liberty. Indeed it may be said, that every Reign has not been equally willing to have those Divisions cur'd, and therefore not equally anxious about the Method, tho' it is certain the House of Commons have been frequently sensible of the ill Consequence; and therefore, tho' they would not touch this Bill on those Occasions, partly because not a suspending the Execution only, but a total Repeal of the Act it self, would have been requir'd to have answer'd the End in that Case; yet they often made Attempts to prevent the Mischiefs of those Divisions, by making Laws to prevent Bribery and Corruption in Elections of the Members. Whether those things have been effectual or not, in this Case, is not to our Purpose.

WE are now come to a new and very singular Case, in which, perhaps, this Act of Parliament is like to be more concern'd than ever before, and in which we are to enquire, whether there may not be some Necessity to break in upon some of our own Privileges for a Season, to prevent the Enemy's breaking in upon the whole Constitution, for want of the prudential Stop I am speaking of.

To enquire into the Case, I must give a brief Abstract of *the State of the Nation* thus. We are
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at this Time in the Infancy of a second happy Revolution: A Family is placed upon the Throne, hated for their Zeal to the Protestant Interest; their effectual and powerful Capacity to suppress *Jacobitism*, and their extensive Interest in the other Protestant Powers of *Europe*, to engage them against the Friends of the Pretender: A Prince fills the Throne, always formidable to *France*, by his own Merit, and now dreadful to all the *Possib* Powers of *Europe*, by the Addition of these rich and powerful Dominions.

HIS Majesty has entred upon the Possession, in a quiet, peaceable, and a legal Manner; and the Parliament in Being have appear'd so sincerely and dutifully attach'd to his Interest, that they have hitherto encouraged all the faithful Part of his Majesty's People to do their Duty, and to assist in suppressing and defeating, or otherwise disappointing, all the Designs of the Enemies to his Succession.

BUT be it by what secret Arts and Machinations it will; whether of Hell, or of the *Jacobite* Party, or of both in Confederacy, it is not to the present Purpose to enquire. The Endeavours of a wicked Sett of Men among us, who yet call themselves Protestants, and many of whom have taken the Oaths, as well of Allegiance, as that most solemn of all Oaths, *the Abjuration of the Pretender*, have, with too much Success, pursued a Hellish Design of spreading the Poison of Disaffection

affection among the common People of this Nation; who being abused and imposed upon by innumerable Falsities, Suggestions, and Misrepresentations, as well of the Person of his Majesty, as of his real Designs, which it is evident have been all calculated for the publick Peace and Prosperity of these Kingdoms, insinuating the Danger, as well of our Ecclesiastick Constitution, as of our Liberties.

By these Arts misleading the poor ignorant People, they have push'd them upon all manner of Disorders, Tumults, Violences; and even at last into an open and actual Rebellion, having taken up Arms against the Protestant Settlement, by which all our Liberties, as well Ecclesiastical as Civil, are established; and against our Protestant King, by whom those Protestant Establishments are protected, and have run the poor deluded People headlong into those Contradictions, which common Sense, had it been listen'd to, would have been their Protection from; such as taking up Arms for a Popish Pretender, in order to secure a Protestant Constitution, and bringing in a French Tyranny for the Protection of English and British Liberties.

THIS Rebellion is still in Being; and tho', by the Blessing of GOD, and the Conduct and Vigilance of the Government, they have been every where defeated, beaten, and dispers'd, and the obstinate Remains of them having their Hopes
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in the Refuge of inaccessible Mountains, keep together in Arms, rather because they have no Reason to expect Mercy and Pardon from a Prince, in so gross a Manner offended, than from any Expectation of Success; and several of the Ring-leaders have been, or will be, brought to open Justice; yet the Spirit of Rebellion still remains in its full Vigour and Fury, rather animated and exasperated by its Losses, than suppress'd, and reduc'd to Temper, and a dutiful Subjection.

THIS Spirit of Rebellion, *as is said*, is still in Being, and far from being suppress'd by the superior Power of the Government, is rather increased than abated, since the Defeat of the Forces the Rebels had brought together; and if we enquire into the many Schemes which the Agents of the Rebellious Party have form'd to themselves, and from which they promise themselves great Advantages, we shall find that the Termination of the present Parliament, at the End of 3 Years from the Test of the late Writs of Election, and which by that Rule must happen after the next Session, or Sitting, is their present Dependance, and the Thing from which they promise themselves Success in their Designs; presuming, that by Reason of the Spirit of Delusion and Disaffection aforesaid, the ensuing Elections might have been byass'd in Favour of their Party; and that the Members of the next Par-

Parliament should have been less zealous, and less hearty in the Service of their Country, and the Interest of our Protestant King, than these now sitting. In a Word, it is evident, that the only Hopes of the disaffected Party at Home rests in keeping up the *Jacobite* Faction in the Countries; and the Prospect of that Scheme consist chiefly in the carrying the next Election against the Interest of the present Government, by the Force of the Delusion which they have spread among the People, and by which they have poison'd their Principles, and made them to wish Success to those Designs, which would end in the Ruin of the Protestant Religion, and the Liberties and Privileges of their Country.

NOTHING is more frequent in their Discourses throughout the whole Nation, at this Time, than this: *That the present Government have the Advantage for a while, by having a H—— of C—— to their Purpose; but that whenever they (the Tories) come to a new Election, which, say they, must be within little more than a Year, we are sure we have so prepared the People, and so filled them with Prejudices against the present Government, that they will choose quite another Kind.*

THAT this is Fact, that these are the Hopes of the Party, and this is discover'd in their daily Discourse, I think, even themselves being Judges, there will be no Occasion to prove; the Thing is not done or said in a Corner, as far as they durst, they have even printed the same Thing; and they are so far from being backward, or a-

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sham'd in acknowledging these Things, that it is well known they boast of it, as a Thing they are well assur'd of: Nay, if I have not very bad Intelligence, they bouy up their Friends Abroad with the Expectation of it; and the Ministers of State in *France* are told, that if they can put off the Importunities of the *British* Ministers for one Year more, till the present Parliament has worn out its Time, and till they come to a new Election in *England*, they will see a quite different Face of Things appear here; that the Court will be so embarrass'd with the Parliament, that the Publick Affairs will be in a quite different Situation, and take a new Turn; that the People will then have a safer and surer Way, than that of Arms, to shew their Aversion to the Party who are now uppermost; that they are sure to beat them at Elections, tho' they could not in the Field; and that having once return'd but a Majority in the House of C——, it will soon appear whether a King can rule in *England* against the Good Will of the People or no.

Now altho' this is made up of Rhodomontade and Bluster, and much of the Substance of it would be void in its own Nature, *even supposing the Parliament should dissolve at the Time, as by Virtue of the said Law it must do*; and tho' we are satisfy'd that the present Government might maintain itself, in Defiance of this Party, and make it appear that they are not so much Masters of the common People as they pretend to be: I say, tho' all these Things seem to be visible to us, who see the happy

py Success of the King's Affairs, the Vigour of his Majesty's Councils, and the sure Steps taken in all his Measures; yet something is to be said on the other hand, which makes these Things seem of more Weight, at this Time, than otherwise they might be, and that make it worth while to consider, whether some Measures ought not to be taken, effectually to disappoint the Enemy in the Hopes they have raised upon these Suggestions.

FIRST, it may be affirm'd, That while the Party have a View of the Determination of this Parliament in the usual Course, and of the great Things they may be able to do in a new Election they will never give over their Attempts of debauching the Principles of the Country People, in order to secure their Interest in the approaching Elections. It is their Boast, that the Court has lost the People; perhaps it is our Opinion they have not: But to make it be believ'd they have, is in some Measure to make it be so; at least it is to help such a horrid Case forward. They have then nothing to do, but to cultivate the wicked Design, to increase by all means possible the Delusions and Disaffections of the common People, that if it be not true, they may make it true; and if it be true, they may increase it. This Occasion must be taken from them, or they must some way or other be disabled from making an Advantage of it: For, doubtless, while the Prospect remains, of the *Jacobite* Party having a Majority in the next Parliament, they have an Ar-

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gument that can never be refuted, to keep up the Spirit of Faction and fury among the People: I say, it is an Argument never to be answer'd, but by removing the Foundation, *viz. the Hopes of having, in so little Time, another Parliament more in their Interest, and which shall give a Turn to the Publick Affairs, in favour of their Party.* This alone can put a Stop to their Invention.

FOR, on the other hand, as they have now Leisure to spread the Disaffection of their Party, and to lay a firm Foundation for future Mischiefs in the Madness of the Rabbles; so we may pass our Word for them, that they are no ill Husbands of the Time; that they slip no Opportunities; nor are they wanting in the least to themselves, or slack in their Diligence. We have found they improve every Advantage with the utmost Application; nay, they study for Occasions, and make them; raising perpetual Rumours and Amusements at the Expence of Truth, and calculated for the main Work of imposing on the People. These they hand about as chary Discoveries, tho' they are no more than the Product of a wicked Invention.

It would be endless to enter into the Particulars of the Clamours they have raised, without the least Foundation of Truth, as well against the Royal Family in general, as against the Person of the King, the Government in general, and the Ministry in particular. These Things were not worth Notice: His Majesty, as all just Princes are, being above the Power of Slander, I mean

mean as to his Person, would rather pity, than punish the Weakness of his Enemies Malice, were it not that there are, on the other hand, a poor wandring Multitude, whose Heads being intoxicated with the Treasonable Vapours of those Men's Imaginations, are thereby turn'd delirious, and are ripen'd up for all manner of Mischiefs.

It is in Compassion to these, and to preserve them from destroying themselves, by driving them into the Hands of Justice : I say, it is in Compassion to these, if there were nothing else in it, that the Schemes and Projects of the other should be expos'd and defeated, that, if it be possible, Peace may be restored to a divided and abused People, and that the People may be left at Liberty to see Things by a true Light, and with their own Eyes, unprejudiced by the Artifice of the *Jacobites*, or of their Instruments, *the Clergy*.

AGAIN, while the High-Flying Party have this Prospect, while they expect the Termination of the Parliament at the usual Time, and while they believe the Influence of their Delusions, and the Secrecy of their Teachers will obtain upon the People; and that it may be in their Power, by these Helps, to influence the Votes at the next Election: I say, if they have these Expectations, it cannot be expected that they will give over the horrid Practice of debauching the Principles of the Country People, and drawing them from their Duty : While their Hopes of Success remain, their Endeavour cannot be supposed to cease; nay, as those Hopes rather increase by the

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Approach of the Time, so in Proportion will their malicious Contrivances increase, and their Diligence quicken in the Work.

It is no uncommon Thing for the High Party to expose themselves by their own Inadvertency, and rash boasting Speeches; nor do they oftner speak the Truth of their own Designs, than when they think they are Bullying and Gasconading the *Whigs*; and I know nothing they do it more in, than in this very Case I am speaking of: Nothing is more frequent, than for them to tell us; *That the Ministry ought to improve the Three Years they have in their Hands; that they have gotten a Parliament now to their Minds; but that they will never get such another: That now the People are of another Mind; their Eyes are opened, and they have different Opinions, both of Persons and Things, from what they had before: That Measures have been taken to do their Business in another Election; and that the People will take Care who they give their Votes for, &c.* If this is not true, as is observ'd before, yet it is a good Argument to the Party, who talk after this Manner, to justify taking them at their Word, and acting for the Prevention of it, just as we should act, if we believ'd it to be true.

As their Expectation lies now all this Way, so I think it may be truly said, it is the only Expectation, and all the Prospect, if any Significance, that they have left. When this is over, they have sprung their last Mine: They have try'd all other Methods in vain; nothing has an-

answer'd their End. Let us trace them in the Steps of their Disaffection: They first try'd Tumult and Rabble; and at first it stood them in some stead, as it rais'd the Spirits of their Faction, to think themselves a little formidable, and so ripen'd them up for Rebellion and Civil War. But when both the Civil and Military Power took hold of them, and aw'd their Mobbs, they then tried open Rebellion; embarking a great many Gentlemen of Fortunes and Figure, who were blinded with *Jacobite* Zeal, and *Popish*, or worse, Principles; flatter'd and made vain with false Encouragements both from Abroad, and at Home of powerful Assistance, and Numbers of Revolters; embarking them, I say, in a bold and bloody Design of deposing the present Settlement, and the King also, and setting up a Foreign Idolater, a *Pre-tender* indeed by Progeny and by Principle; of a Religion inconsistent, of Birth disputed, and of a Branch hated and expell'd.

IN this wicked Attempt they have been defeated by the Valour and Vigilance of the Government, and the King's faithful Friends: They have not been able to execute their own Designs, neither by their Councils or Forces; they have been discover'd in their Cabinet, and the Chain of their Treasons has been taken hold of Link by Link, before they had been able to perfect their Schemes, or concert their Measures; as their Councils have been penetrated, so their Expeditions have been overthrown,

thrown, till at last, tho' their Number has been superior, they have neither dared to put the Issue of their Cause to the Arbitration of the Sword, nor to the Voice of Heaven; but have quitted all they possess'd; and abandoning the poor People they had drawn into their Snare, they have fled for Sanctuary to the remote Parts of the World, leaving the miserable Example of their forsaken Abettors, as a good Warning to all the People of *Britain*, to consider what is the certain End of listening to the Insinuations of these Deceivers, and how much more able they are to draw the poor People into Destruction, than to deliver them out of it.

AND tho' it be a Digression here, yet I cannot omit recommending it to all the common People of *Great-Britain*, to look back upon the Issue of this unnatural Attempt, and see, *first*, with what Bluster, what haughty Behaviour, what insolent Boasts, the late Rebellion was undertaken; how they supported the Delusions with improbable Stories, Forgeries and Fiction; and how, by this Means, together with other Artifices, Thousands were drawn in to joyn in their Design. And then, on the other Hand, with what abject Baseness they deserted their own Cause, forsook those who would have Fought and Died for them, and shew'd the World, that tho' their Souls were sufficiently infected with the Poison of Rebellion, yet that they have neither Heads or Hands for the Execution; that they had neither Council to direct, or Courage to execute, the

the great Undertaking they were engaged in. If this were duly reflected on, it would assist to expose the Party, and to undeceive the unhappy People, who they are now dealing with, to carry on their Designs against the Peace of their Country, and the Person of the King.

As they have been discover'd in their Councils, and defeated in their Camps; so they have been disappointed in their Friends; they entered into Negotiations Abroad, and Combinations at Home, but all their *Achitophels* have been defeated, and have had little left them to do, but to follow the Example of that first *Achitophel*, and go and set their Houses in Order, &c. All their Negotiations for Foreign Assurances have been counter-acted, and render'd abortive: The *Spaniards* will not, the *French* dare not, and other Princes cannot, assist them. They had obtained some Connivance in *France*; but the Regent was fain to disown it again. This they call Temporizing in that Prince, and flatter themselves, that he will alter his Mind upon some other Occasion: But the Chimera of this has been too weak to support them; and they begin to know now, that the *British* Court is too formidable in *France*, and the Report of the Weakness of the Rebels too certain also, to make it rational for the Regent to do any thing in their Favour, at least, any thing inconsistent with his Engagements to us, or any thing that the King of *Great-Britain* can have Reason to resent.

Thus stand their Circumstances with relation to what is past: Every thing they have hoped

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for, has failed them; every thing they have undertaken, has miscarried; all their Friends have promised them, has done them no Good; and all they have promis'd to others, has prov'd Chimerical and Whimsical; all their Treasons have been abortive in the Contrivances, or deficient in their carrying on: And now they are at the Footstool of their Injur'd Sovereign, imploring his Clemency and Pardon, tho' *even THAT* they do also with such an imperfect Submission, such Reluctance, and with such evident Tokens of Minds fill'd with the same Rancor, and only wanting Power to execute their wicked Purposes, that 'tis not a Wonder only that they should find any Favour from his Majesty: *Nor could that be, if His Majesty's Clemency and Goodness was not quite different from that of most Princes in the World:* But 'tis really wonderful, that they should have so little Modesty as to ask it, or so little Sense as to expect it.

Their Expectations being thus cross'd on every Side, and their Cause now sunk below any probable View of Success, they have only one Card left to play; the Nature of the Thing admits of no other Turn to their Designs; nothing else is before them but this, *viz, That, if possible, they may keep up the Ferment and Disaffection in the Minds of the People, till the Election of a New Parliament; and then, if they can carry their point, they will find that they shall be able to fight the Government better in the Field of Elections, than in the Field of Battle, and wound the Constitution deeper by the Clamours and Huzza's of the Mobs, in the respective Corporations, than by the Cannon and Bombs in a War.*

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THIS is the present Case: *And I hope it is impartially Stated.* It remains then only to Enquire, *Whether this is not one of those critical Times, when it may be necessary to suspend the Execution of the only Law, in which these malicious People have placed all their remaining Expectations. Whether the Reasons of their Boasting, are well founded or no. Why should we not take them at their Words? If their Hopes are built upon Chimera's, let us remove those Chimera's; but if their Trust is in Shadows, even those Shadows should be removed, that those Hopes might vanish, and that they might have no more room to trust in any thing, then they will have nothing to do but to Submit.*

I will not enter here into the Question, whether there is any real Danger of their prevailing so much by the Poyson of their Insinuations, as to keep up the wicked Impressions they have made among the People; I'll rather suppose it as I would have it, *viz.* that it is not probale. But while they imagine otherwise, tho' they may be under a Delusion in that Point, yet there are many little Advantages to their Cause, and many Inconveniencies to the Government, to have them but able to keep alive their Expectations: And the Conquest they make upon the Publick Peace by it, is of Consequence, tho' nothing else were so besides. In Matters of such Consequence what Reason is there to put any thing in hazard? What wise man will run Risques, that can be sure? No Man is in Love with Danger, or fond of exposing what is valuable, without a valuable Consideration for his Risque. It is evident, the sus-
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pending this Law would as entirely extinguish their Hopes, and lead them by the Hand to such Accommodations and Capitulations with the present Government as they could obtain; knowing, that being able to stand out no longer, they had best come in with as much Advantage to themselves as they can; knowing, that the longer they delayed making their Peace, the harder it would be to bring it to pass, and the meaner the Conditions will be that they will be able to obtain; for Men always capitulate on so much worse Terms, as bear a Proportion to the length of Time that they held out.

It might be Time well employ'd, to enter into a Discourse of the Particular Reasons or Objections brought against such a proposal; but it would be only, that Time would be spent in exposing the Absurdity and Folly of the separated Reasons which are given always against it: *Such as* making dangerous Precedents, the Difficulty of bringing the Courts of our Princes to consent to restoring a Law, which invades so much the Power of Proroguing, and Dissolving or Continuing a Parliament; a Right, which few of our Kings would have parted, for the Ease of his People, *the* Parting with so essential a Branch of the Privileges of *Great-Britain* as this is, and on the enjoying which, so much of our Safety, depends.

ALL these Objections are effectually answer'd by stating the Difference between suspending the Force of a Law for a certain limited Time only,
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and the absolute repealing such a Law; nor is there any Occasion to say a Word more about it, only to let the Reader know, that not one Word in this Tract is to be understood to mean an absolute Repeal of such an Act, but a Temporary Suspension of the Law; the Limitation to expire at a certain Time, and the Law then to return to its full Force, unless those Limitations should be farther extended by the same Authority, and upon the like Necessity; of which Necessity, the Parliament are always to be the Judges.

THERE is something offer'd indeed by the Enemies of this Proposal, which I think may be said to be the only thing, at least that I have met with, that has any weight in it; and this is, *That it is a dangerous Precedent, and may be made Use of to the prejudice of our Liberties in the Reigns of succeeding Princes*: To this may be said, *That if the Necessity of the Case be allow'd now, and that it ought to be done, we can say no more to Precedents than this, That when the Necessity is the same, and a Prince upon the Throne equally to be depended upon, and equally concern'd for the Liberties of his People, as we all, without Flattery, believe his present Majesty to be, then we think the same thing may be done by our Posterity*. In the mean time, it is sufficient to us to prove, that we are now in Circumstances, which render it necessary at this Time. If that be granted, we cannot answer for what our Posterity may do with less Necessity; the Fault will be theirs, not ours; and our Case will be very unhappy indeed, if we shall be oblig'd to refrain Things necessary
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for the publick Safety, in a Time of Danger and of open Rebellion, because our posterity may make an ill Use of it. This might be argued against all the most necessary Things that a Nation can be called upon to do, and would make Government itself in many Cases impracticable.

I SHALL conclude this Argument with proving, that as nothing but such a Step as this can, at this Time; give a Check to the Faction, and effectually extinguish their Hopes; so this Step, if the Government should think proper to come into it, would effectually discourage it, and indeed would give the *Coup de Grace*, or the mortal Blow to *Jacobitism* in this Nation.

It is no Compliment to the present House of Commons, to say of them, that the like Body of Gentlemen, for their Unanimity in the Prosecution of the Rebels, their Steadiness to the Interest of King GEORGE, and their Zeal for the Good of their Country, has not for many Years met within those Walls; and perhaps the *Jacobites* may in this say true, *That such another Election never can be made.* If these Gentlemen continue, the *Papists* may Sing their *Dirges*, over the Corps of Departed *Jacobitism*, and give Money to pray for the Soul of Rebellion. They may take their leaves of them for this Reign; they can never revive in this Nation: A King so establish'd, so supported, and a Parliament so attach'd to his Interest, Family, and Person, can never be, and was never yet supplanted in this Nation.

Nothing is more frequent, than to hear the High-Church Men say, We must not do our Work this Way: We must take other Measures; there is nothing to be done while this Parliament is in Being; the House of Commons act with so much Vigour and Steadiness with the King, that they make themselves a Terror to all the Foreign Powers of Europe, many of whom would otherwise assist us openly: We must wait, therefore, a while, the Days of their Dissolution are at hand; then we hope to have

have a House to our Minds, and an Interest that shall prevent their running thus glibly on. If we carry our Point there, all is our own; but, as it is, we cannot make any attempt.

These are their Speeches; nor is the Fact to be doubted. If this Parliament continue the *Jacobites* are gone, entirely lost; and their Cause can never have a Resurrection in this Country. If this Parliament goes off, they have another Game for it; and if they should out-wit us in shuffling the Cards, and bring all the Trumps into their own Hands, the best Cause in the World may be lost; and so the Nation may be again put to the Hazard of Fighting all these Battles over again.

But if the Parliament be now continued for such a Time as shall be thought proper, the Game is then UP, the Show is over, the Pretender may e'en go and buy Land in *Switzerland*, or in *Mountbelliard*, or where-ever he pleases; he will never find any more in *Great Britain*, than what his Coffin would take up when they come to Bury him.

It is indeed next to Impossible, that with such a King to Reign, and such a Parliament to stand by him, the Pretender, or his Friends at Home, much less those abroad, can any way shake the *British* Constitution.

It would be imitating our *Tories* in that very Thing which renders them the most contemptible, if I should *Gasconade* them upon this Subject; declaring the Constitution invulnerable, and bidding Defiance to all the Enemies of our Government to do their Worst. NO, NO, *Caesar's* Rule is to be observ'd here, Never to despise an Enemy: Our way is, not to harbour any needless Apprehensions; but at the same Time not to imagine our Constitution to be invulnerable, and so become secure. We have the Watch, and 'tis our Duty to be Vigilant against the least Occasion of Encouragement given our Enemies, and to take all imaginable Care to make them Despair.

I speak it with due Reserve to Providence. Nothing else can so effectually bring the Enemy to despair of Success, at this Time, as giving a New Life to this Parliament. This House of Commons is the Terror of Rebels, and the Dread of all their Foreign Alliance. While this Parli-
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ment subsists, Foreign Powers, tho' they shew their Teeth, yet keep their Distance; if the Allies of the *Jacobite* Party are willing to help them, yet they are not ashamed to acknowledge, that they care not to embroil themselves with the *British* Parliament. Even King GEORGE himself is made more Terrible by the Accession of such a House of Commons. While these remain, what Assistance the Rebel Interest obtain, is by Stealth, Connivance, and with all possible Concealment. If the *British* Envoy does but remonstrate, they tremble, eat their Words, deny to have known what is charg'd upon them, pretend to punish those that even before they encourag'd; and, like a Servant under Correction, make Promises to offend no more.

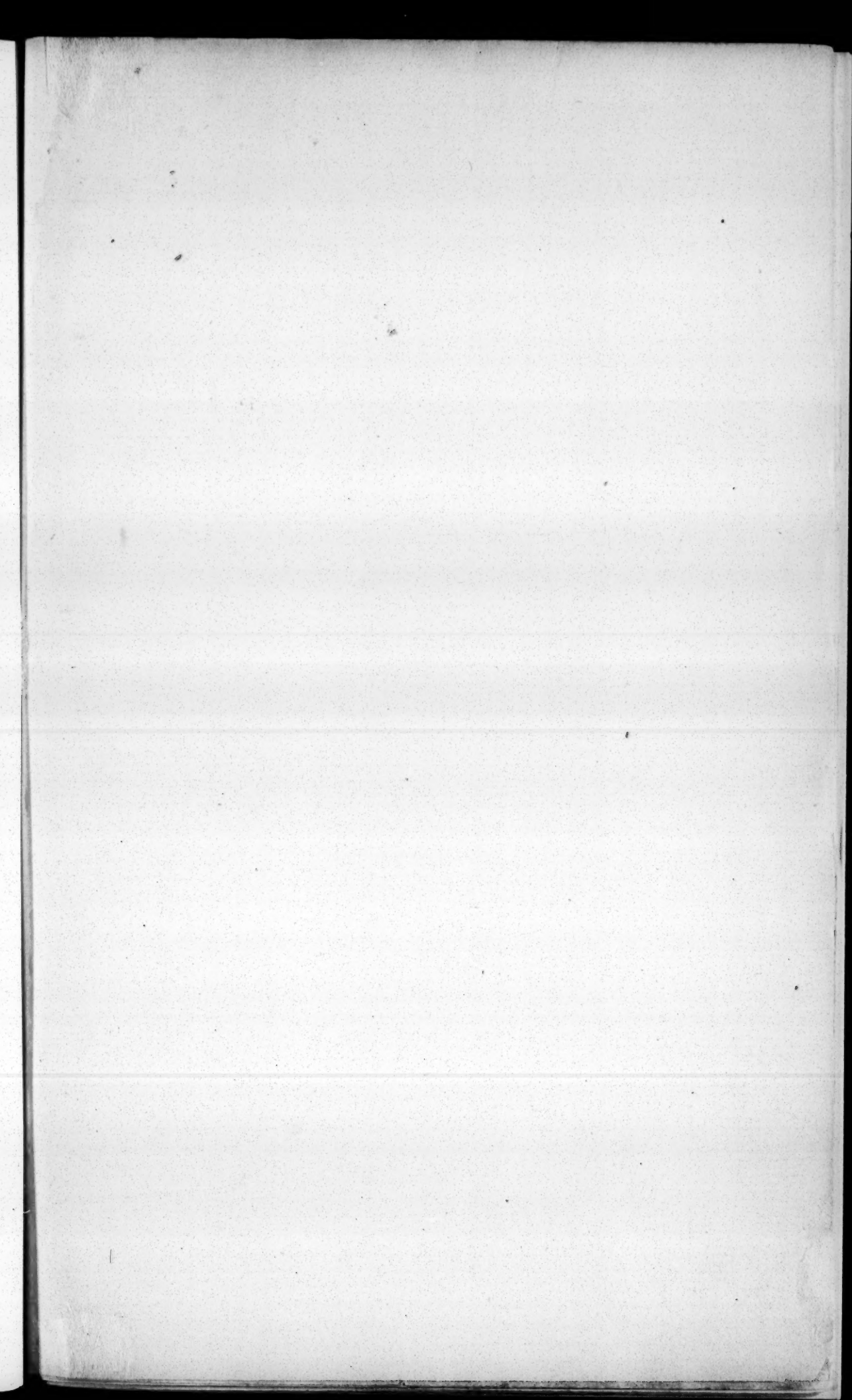
At Home 'tis the same: This House of Commons is the Dread of *Jacobitism*; their very Breath strikes Rebellion with Convulsions and Death. The Rebels, even in their Prosperity, tremble at the unanimous Resolution of the House: Upon the bare Votes of Assisting and supporting King GEORGE, the Arms fell out of their Hands, they quit their Advantages, scatter and disperse, flying for Life to every Corner of the World.

This is the House of Commons, of whom the High Party say, We shall never have such another. To which I know no Answer more proper to be given than this, That then it is our Business to keep them while we have them. They, the *Tories*, say, if this House of Commons *Dies*, we are undone: To which the *Whigs* may Answer them, That if this House of Commons *Lives*, they are undone: with this Addition, that we do not grant the First, and they cannot deny the Last.

If *this House* be voted longer liv'd, we may give one another Joy of a sure Establishment, at least as to *Jacobitism*; not all the Devils in Hell, nor all the Powers of Men; nor all the Contrivances of *St. Germans*, *Rome*, or *Peasants*, can be able to wound the Establishment of this Nation.

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